

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Curry et al.	
Application No.: 09/683,995 (CONF 2530)	Group Art Unit: 2155
Filed: 3/10/2002	Examiner: Khanh Q. Dinh
Title: Email messaging program with built-in video and/or audio media recording and/or playback capabilities	
Attorney Docket No.: 1049.002US1	

Assistant Commissioner for Patents
Washington, D.C. 20231

REPLY BRIEF

This reply brief is in reply to the Examiner's Answer of July 8, 2008. Applicant notes that the claimed invention is easy to understand. For instance, in claim 1, there is a first client that has a first email messaging program installed thereon. A composing user composes a message on the first email messaging program, and records media on the first email messaging program. The first email messaging program sends the message and the media to a receiving user over the network. The first email messaging program sends the message and the media over the network by itself, *without having to use any other email messaging program* on the first client.

The Examiner initially discusses the first email messaging program of the claimed invention as the video e-mail software 50 of Budge (6,564,248) (see, e.g., Examiner's Answer, p. 3). Applicant explained in the original appeal brief why the video e-mail software 50 of Budge cannot be the first email messaging program of the claimed invention, because while it provides for the creation of video e-mail messages, it transfers these messages to another computer program – a conventional e-mail program – for transmission over the network. As such, it cannot be said that the video e-mail software 50 sends the messages and the media over the network by itself, without having to use any other email messaging program, in contradistinction to the claimed invention. (See also appeal brief, p. 6.)

However, the Examiner also discusses the video email player 220 of Budge as potentially being the first email messaging program of the claimed invention (see, e.g., Examiner's Answer,

p. 11). On its face, however, the video email player 220 of Budge cannot be the first email messaging program of the claimed invention. This is because a composing user does not compose a message on the video email player 220, nor does this user record media on the video email player 220. Rather, the video email player 220 is just that – it *plays* video emails that have been received from an email client 270 (see col. 4, ll. 44-49; see also col. 5, ll. 12-24).

There are two other components in Budge that deserve discussion: the video email recorder 210 and the email client 270. The video email recorder 210 does permit a composing user to record a video email (see col. 4, ll. 36-41). However, the video email recorder 210 then “executes the email client 270 and passes the video email file to the email client 270” for transmission over the network to a receiving user (col. 4, ll. 40-43). Unlike as in the claimed invention, where the first email messaging program on which a composing user composes a message and records media then sends the message and the media over the network by itself, without having to use any other email messaging program, the video email recorder 210 does not do this. That is, the video email recorder 210 does not send the message and the media over the network by itself, but rather passes the message and the media to the email client 270 – i.e., another email messaging program – and the email client 270 sends the message and the media over the network. Therefore, the video email recorder 210 cannot be considered the first email messaging program of the claimed invention.

Likewise, the email client 270 of Budge cannot be considered the first email messaging program of the claimed invention. While the email client 270 does send the message and the media over the network, a composing user does not actually compose a message and record media on the email client 270. Rather, the composing user composes the message and records the media on the video email recorder 210, such that the email client 270 does not satisfy all the limitations of the first email messaging program as recited in the claimed invention.


In this way, neither the video email player 220, the video email recorder 210, nor the email client 270 of Budge disclose a first email messaging program as in the claimed invention. This is summarized in the following table:

Component of Budge	Why this component is not the first email messaging program of the claimed invention (i.e., the claimed limitations that the component does not satisfy)
Video email player 220	A composing user does not compose a message nor record media using the player 220, and the player 220 does not send a message and media over the network
Video email recorder 210	The recorder 210 does not send a message and media over the network by itself, without using any other email messaging program, but rather transfers the message and media to the email client 270, which then sends the message and media over the network
Email client 270	A composing user does not compose a message nor record media using the email client 270

Finally, it is informative to review FIG. 2B of Budge, which shows the video email recorder 210, the email client 270, and the video email player 220. The only program that is connected to the network is the e-mail client 270, by virtue of its connection to a network adapter driver, a modem driver, and a terminal adapter driver. Thus, there is no way that the video email recorder 210 can send a message and media over the network by itself, without using any other email messaging program as in the claimed invention, because the recorder 210 is not even connected to the network. While the email client 270 can send a message and media over the network by itself, a composing user does not compose a message nor record media on the email client 270, so the client 270 cannot be the first email messaging program of the invention. Finally, the video email player 220 is completely irrelevant, as a composing user does not compose a message nor record media using the player 220, and the video email player 220 does not send a message and media over the network.

For these reasons, therefore, Applicant again submits that the Examiner's rejections of the claimed invention are improper and should be overturned.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Dryja", written over a horizontal line.

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Date

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